

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RANDY GILLERT,)	
)	
Plaintiff,)	No. 08 C 0567
)	
v.)	
)	Judge Kendall
EXPERIAN INFORMATION, ET AL.)	
)	
Defendants.)	

ANSWER OF UNITED STATES

Defendant, United States of America, by its attorney, Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, answers the complaint as follows:

First Defense

The United States is entitled to sovereign immunity.

Second Defense

Answering the specific allegations of the complaint, the United States of America, admits, denies, or otherwise avers as follows:

1. This is an action for damages brought by an individual consumer against the Defendant for violations of the Fair Credit Reporting Act (hereafter the "FCRA"), 15 U.S.C. § 1681 et seq., as amended.

Response: Admitted.

2. Jurisdiction of this Court arises under 15 U.S.C. § 1681 p. 28 U.S.C. §§ 1331, 1337. Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b).

Response: Denied. The United States asserts it is entitled to sovereign immunity.

3. Plaintiff, Randy W. Gillert, is an adult individual and citizen of the State of Arkansas.

Response: The United States is without information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 3 and therefore denies these allegations.

4. Defendant, Experian Information Solutions, Inc., is a business entity that regularly conducts business throughout every state and county in the United States and as a corporation that does business in the State of Illinois, is a citizen of the State of Illinois.

Response: The United States is without information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 3 and therefore denies these allegations.

5. Defendant, US Department of Education, is a business entity that regularly conducts business in all cities and counties in the United States, and is a corporation whose principal place of business is located in Georgia.

Response: Denied.

Count I - Against Experian Information Solution, Inc.

The allegations in Paragraphs 6 through 20 of the complaint are directed against another defendant, and the United States has no obligation to respond to those allegations.

Count II - Against the United States

21. Plaintiff re-alleges and incorporates paragraphs 1-20 as if fully set forth herein.

Response: Defendant repeats and incorporates herein by reference its responses to Paragraphs 1 through 20.

22. At all times pertinent hereto, this Defendant was a “person” as that term defined by 15 U.S.C. § 1681a(b).

Response: Denied.

23. This Defendant violated sections 1681n and 1681o of the FCRA by engaging in the following conduct that violates 15 U.S.C. § 1681s-2(b).

a. willfully and negligently failing to conduct an investigation of the inaccurate information that Plaintiff disputed upon receiving notice of the dispute of the consumer from the aforesaid credit reporting agency;

b. willfully and negligently failing to review all relevant information concerning Plaintiff's account provided to this Defendant by the aforesaid credit reporting agency;

c. willfully and negligently failing to report the inaccurate status of the inaccurate information to all credit reporting agencies.

d. willfully and negligently failing to properly participate, investigate and comply with the reinvestigation that were conducted by and all credit reporting agencies concerning the inaccurate information disputed by Plaintiff;

e. willfully and negligently continuing to furnish and disseminate inaccurate and derogatory credit, account and other information concerning Plaintiff to credit reporting agencies and other entities despite knowing that said information was inaccurate.

f. willfully and negligently failing to comply with the requirements imposed on furnishers of information pursuant to 15 U.S.C. § 1681s-2.

Response: Denied.

24. This Defendant's conduct was a direct and proximate cause, as well as a substantial factor, in causing the injuries, damages and harm to Plaintiff that are outlined more fully above, and as a result, Defendant is liable to compensate Plaintiff for the full amount of statutory, actual and punitive damages, along with attorneys' fees and costs, as well as such other relief permitted by law.

Response: Denied.

25. Plaintiff demands trial by jury on all issues so triable.

Response: Denied.

Respectfully submitted,

PATRICK J. FITZGERALD
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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following documents:

ANSWER OF UNITED STATES

were served on April 21, 2008, in accordance with FED. R. CIV. P. 5, LR5.5, and the General Order on Electronic Case Filing pursuant to the district court's Electronic Case Filing (ECF) system as to ECF filers.

s/ Gina E. Brock
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